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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/735,139 12/12/2003 Barry S. Grant 10200-1330 1931 24504 11/05/2004 **EXAMINER** THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP KAMEN, NOAH P 100 GALLERIA PARKWAY, NW ART UNIT PAPER NUMBER ATLANTA, GA 30339-5948 3747

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner		Application No.	Applicant(s)	
Noah Karnen   3747		10/735,139	GRANT, BARRY S.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estensies of time may be semilated under the proceions of 37 CR 1.136(n). In no event, however, may a reply be timely filled in the period for reply specified above is less than bildy (DU) story, as reply within the sability of poly of which is the period for reply specified above is less than bildy (DU) story, as reply within the sability of the period for reply specified above is less than bildy (DU) story, as reply within the sability of the period for reply specified above is less than bildy (DU) story, as reply within the sability of the period for reply specified above. The manning dated of this communication.  Final period for reply is specified above. The manning story of the communication of this poly month is set or extended principle for reply with plantable, caused the application to become ABANCONED (35 U.3.C. § 133).  Status  1) Responsive to communication(s) filled on		Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ■ Ederations of time may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filed.  ■ If NO period for reply is periodical above, the maximum statutory prefer volt apply within the statutory minimum of thirty (20) days we the considered limely.  ■ If NO period for reply is periodical above, the maximum statutory prefer volt apply and will expire 31X (5) MOSTHS from the mailing date of this communication.  ■ Provision of the periodic above, the maximum statutory prefer volt apply and will expire 31X (5) MOSTHS from the mailing date of this communication, even if timely filed, may read to any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication, even if timely filed, may read on any read of the communication is non-final.  3) Since this application is non-final.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-13 Sidare pending in the application is non-final.  3) Edinated the provision of the pr				
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of mem pays be valided used the growings of 3 CPR 1.13(6). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of fibs communication.  If NO period for reply is explicible used the provision of 3 CPR 1.13(6). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is explicible used to extended priority of the realing date of this communication.  Failure to reply visible into set or extended priority of reply visible into satisfactory priority display and ville explicible. (5) (6) MONTHS from the making date of this communication.  Failure to reply visible into set or extended priority of the realing date of this communication, even if timely fitted, may reduce any counterplates term adjustment. Set 57 CPR 1.704(6).  Status  1) Responsive to communication(s) filled on				
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#### **DETAILED ACTION**

### **Drawings**

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Furthermore, where is there antecedent basis in the specification for claim 3?

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

# Claim Rejections - 35 USC § 112

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. How can a port have an axis coaxial with the tube when the tube is connected at both ends? At best, some of the ports are slanted from the tube axis.

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## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 7, and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al (5743241). There is a nitrous tube 14 with ports 18 and a fuel tube12 with ports 20. The ports are each directed to a runner (col.3, lines 54-58).

In regard to claims 9 and 11, the ports may be arbitrarily divided into two serial ports.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-7, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swan (2013737) in view of Chestnut et al (6561172).

Swan show an intake manifold having four symmetrically arranged runners "H" connected to a square central passage "N". There is no nitrous system. Chestnut et al show a square frame 1 having a nitrous tube 8 with ports 43, which directs nitrous oxide to intersect with fuel delivered from tube 9 with ports 44. It would have been obvious to one of ordinary skill in the art to use the nitrous oxide plate system of Chestnut et al in Swan so as to increase maximum power output. The combination result with each port axis extends toward a single runner.

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In regard to claims 9 and 11, the ports may be arbitrarily divided into two serial ports.

# Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah Kamen whose telephone number is 703 308 1945. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner

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